

## **ATTACHMENT B**

### **REMARKS**

By this amendment, Applicants have amended the claims in the manner as suggested by the Examiner and Supervisor in a recent interview with Applicants' representatives, and which further reflects that the present claims are clearly patentable over the cited references. In particular, as referred to in the Interview Summary of the interview of February 15, 2006, Applicants' claims now incorporate the means for holding the test strip prior to its contact with the mixture of the first reagent, the second reagent and the sample, and the Examiner and Supervisor acknowledged in the Interview that such an Amendment would be sufficient to distinguish the present claims from the prior art including the Wickstead reference. The means for holding the test strip prior to contact with the reagents and the sample is disclosed in the original specification and claims (see, e.g., original Claim 9), and thus the present amendments add no new matter to the application. Applicants thus submit that the present application has been placed in condition for immediate allowance for the reasons as set forth below.

In the Final Rejection, minor objections were made under 35 U.S.C. §112 with regard to the language of the claims, and without addressing the merits of these objections, Applicants have overcome these objections with minor language changes to the claims to make it clear what mixtures are being referred to.

In the Final Rejection, the Examiner rejected Claims 1-25 as being unpatentable under 35 U.S.C. § 103 over the Wickstead et al. patent (U.S. Pat. No. 6,634,243) in view of the Anderson patent (U.S. Pat. No. 6,267,722). However, without addressing

the merits of this rejection, during the recent Interview between the Examiner and Supervisor and Applicants' representatives, the Examiner and Supervisor agreed that the present invention was not disclosed or suggested in the prior art including the Wickstead reference, particularly if additional distinguishing features were added to show that elements of the apparatus were not shown or suggested in those references. In conjunction with the discussion at the interview, Applicants have now proceeded to amend the claims so as to refer to the feature whereby the test strip is retained prior to contacting the mixture of the first reagent, second reagent, and test sample, and this feature adds to the present claims to further reflect that the claimed invention is not disclosed or suggested by the prior art.

Moreover, as Applicants have pointed out previously, the cited prior art is far afield from the present invention, in that Wickstead does not disclose or suggest the two chamber apparatus of the present claims, and Anderson et al. discloses a device which is the opposite of the present device in that there are no chambers per se, and there is no pre-treatment of the test sample using separate reagents which are mixed with the test sample prior to the time that the sample is contacted with the test strip. Applicants thus submit that, as was reflected in the discussion during the recent interview, the invention as presently claimed is not disclosed or suggested in the prior art references, and the Examiner's outstanding rejections on the basis of the prior art are respectfully traversed and should be withdrawn.

In light of the amendments and arguments as set forth above, Applicants submit that the present application overcomes all prior rejections and has been placed in condition for allowance. Such action is earnestly solicited.

**END OF REMARKS**